

GP 1742

PATENT  
Docket No. 251002009000

## CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on September 28, 2000.

Jinrong Li

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8

In the application of:

Ken MAKITA et al.

Serial No.: 09/265,669

Filing Date: March 10, 1999

For: PERMANENT MAGNETS AND R-TM-B BASED PERMANENT MAGNETS

Examiner: John P. Sheehan

Group Art Unit: 1742

RECEIVED  
OCT -2 2000  
TC 1700 MAIL ROOM  
PO BOX 101200RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Action mailed September 8, 2000, Applicants elect to prosecute the claims of Group I, with partial traverse.

Applicants respectfully submit that the claims of Groups I and II should be examined together, so that the first Action on the merits of this application would treat claims 1-7, 12-15, 18-23, and 25-30 on their merits. The claims of Groups I and II are identically classified and cover subject matter that is closely related. Since these claims will all be examined in the same class and subclass in the art, there is no search burden resulting from the consideration of Groups I and II together. The Examiner does not justify the separate grouping of Groups I and II on burden of search grounds, but instead states that these groups "are distinct in that they are

dc-228863

capable of separate manufacture, use or sale as claimed." The Examiner cites no evidence to support this conclusion, and Applicants respectfully submit that the materials of Groups I and II would be used in the same way and would be sold as magnets of similar characteristics. The fact that slightly different manufacturing processes may be involved, a fact that the Examiner has not substantiated, does not mean that the claims are distinct for purposes of examination. Applicants do not wish to traverse the Examiner's observations with respect to patentability and respectfully point out that where there is no search burden from examining separately identified groups of claims together, restriction should not be required.

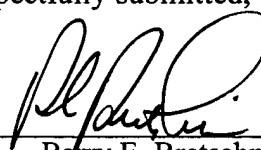
Accordingly, Applicants respectfully request that the claims of Groups I and II be examined together in this application. Early action allowing the claims of those groups is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or fees due in connection with the filling of this to **Deposit Account No. 03-1952** referencing docket no. 251002009000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 28, 2000

Respectfully submitted,

By:



Barry E. Bretschneider  
Reg. No. 28,055

Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888  
Telephone: (202) 887-1545  
Facsimile: (202) 887-0763